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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

QUELER, ADAM M

ART UNIT	PAPER NUMBER
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2176

DATE MAILED: 06/03/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/411,756

Applicant(s)

KRASINSKI, RAYMOND J.

Examiner

Adam M Queler

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 March 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☒ The proposed drawing correction filed on 25 March 2003 is: a) ☒ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

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DETAILED ACTION

1. This action is responsive to communications: Amendment A and Drawings filed 3/25/2003.
2. Claims 1-27 are pending in the case. Claims 1, 6, 11, 16, 20, and 23-27 are independent claims.
3. Claims 1-27 remain rejected over the prior rejections.
4. The rejection of claims 2, 4, 5, 7, 9, 10 12, 15, and 19 are withdrawn pursuant to Applicant's arguments.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

6. **Claims 1, 3, and 23 remain rejected under 35 U.S.C. 102(a) as being anticipated by “XML Fragment Interchange, W3C Working Draft, 1999 June 30,” herein referred to as W3C.**

Regarding independent claim 1, W3C discloses content nodes (p. 19, example 1) that can be used for transmitting (p.4, para. 1). W3C discloses the structure node is associated with the content nodes of a sub-tree by their inclusion with in a package (p.23-24, example spanning the pages) W3C also discloses indicating where content nodes are positioned within the tree, as the “sourcelocn” attribute (p.12). In addition the location of the <f:fragbody> tag indicates the placement of the content nodes as a sub-tree with a larger XML tree (p.23-24, example spanning

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the pages). The method of generating such nodes is inherently shown by the original XML document and resulting fragment shown in section C.1, as well as the definition of the “fcs” element on pages 12-13.

Regarding dependent claim 3, W3C discloses a list of content nodes (p. 19, 5.4.3).

Regarding independent claim 23, the memory and processor for performing the method of claim 1 are rejected under the same rationale.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. **Claims 2, 4, 6-9, 11-14, 16-22, and 24-27 remain rejected under 35 U.S.C. 103(a) as being unpatentable over W3C.**

Regarding independent claim 6, W3C discloses content nodes (p. 19, example 1) that can be used for transmitting (p.4, para. 1). W3C discloses the structure node is associated with the content nodes of a sub-tree by their inclusion within a package (p.23-24, example spanning the pages). W3C also discloses indicating where content nodes are positioned within the tree, as the “sourcelocn” attribute (p.12). In addition the location of the <f:fragbody> tag indicates the placement of the content nodes as a sub-tree within a larger XML tree (p.23-24, example spanning the pages). The method of generating such nodes is inherently shown by the original XML document and resulting fragment shown in section C.1, as well as the definition of the “fcs” element on pages 12-13. W3C does not explicitly mention decomposing the document into a

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plurality of trees however it would have been obvious to one of ordinary skill in the art at the time of the invention to decompose the document into a plurality of sub-trees, so that multiple parts of the document could be transmitted without sending the entire document (p. 2, "Abstract").

Regarding independent claim 11, W3C discloses transmitting sub-trees (p.4, para. 1). W3C also discloses indicating where sub-trees are positioned within the tree, as the "sourcelocn" attribute (p.12). In addition the location of the <f:fragbody> tag indicates the placement of the content nodes as a sub-tree with a larger XML tree (p.23-24, example spanning the pages). W3C does not explicitly mention decomposing the document into a plurality of trees. It would have been obvious to one of ordinary skill in the art at the time of the invention to decompose the document into a plurality of sub-trees and send them independently, so that multiple parts of the document could be transmitted without sending the entire document (p. 2, "Abstract").

Regarding dependent claims 2, 7, and 12, W3C is silent as to having templates. W3C does disclose fragmenting the whole document based on semantic separations, such as chapters (p. 25). Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to include a template for the purpose of specifying how the structure and content nodes should be generated for the purpose of having semantically relevant fragments.

Regarding dependent claim 13, W3C discloses a list of content nodes (p. 19, 5.4.3).

Regarding dependent claim 8, W3C discloses a structure node with positioning information (p. 11-12).

Regarding dependent claims 4, 9, and 14, Content generated in real-time was by a textual input device was well-known in the art at the time of the invention, as applicant admits in Remarks

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filed on 3/25/2003 (p. 6), and would have been obvious to one of ordinary skill in the art for the purpose of typing up an XML document.

Regarding independent claim 16, W3C discloses an XML document including content nodes and structure nodes as recited in claim 1 above. W3C also discloses means for determining whether a node is a content or context node (pp. 10-11, section 5.1). W3C discloses recompiling the XML document (p. 5, para. 2) and information that can be used for the recompiling (p. 10-11). W3C is silent as to processing content nodes directly, however, it would have been obvious to one of ordinary skill in the art at the time of the invention to process content nodes directly because they are ordinary element nodes and should be treated as such.

Regarding dependent claim 19, it would have been obvious to one of ordinary skill in the art at the time of the invention to continue processing since each sub-tree is a valid XML tree.

Regarding independent claim 20, W3C discloses receiving a plurality of sub-trees for reassembly (p.5, para.2). W3C also discloses the sub-trees containing positioning information (p. 13). W3C does not explicitly mention positioning the sub-trees, however it would have been obvious to one of ordinary skill in the art at the time of the invention to do so as that the purpose of fragmenting the document was so that it could be reassembled (p. 5, para. 2).

Regarding dependent claims 17 and 21, W3C discloses displaying content (p.5, para. 2).

Regarding dependent claims 18 and 22, it was well-known in the art at the time of the invention to store data after receiving it.

Regarding independent claims 24-27, the memories and processors for performing the methods of claims 6, 11, 16, and 20, respectively, are rejected under the same rationale.

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9. **Claims 5, 10, and 15 remain rejected under 35 U.S.C. 103(a) as being unpatentable over W3C as applied to claims 1, 6, and 11 above, and further in view of Dietz (USPN 6175820—filed 1/28/1999).**

Regarding dependent claims 5, 10, and 15, W3C is silent as to generating XML with a speech recognition system. Dietz teaches generating XML with a speech recognition system (col. 2, line 65 – col. 3, line 11). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Dietz into W3C for the purpose of transmitting a textual representation of human voice.

Response to Arguments

10. Applicant's arguments filed 3/25/2003 have been fully considered but they are not persuasive.

Regarding Applicant's remarks on page 7, Section IV:

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., "sub-trees can be arranged even without all of the node information being received") are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). In addition, Applicant suggests that that the additional limitation of the structure nodes being associated with the content nodes of a sub-tree for indicating their position as a sub-tree overcomes the instant rejection. The Office disagrees. The template shown on page 22, clearly shows the structure nodes, which would be contained within

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the <fcs> tag, is within the same <package> tag as the <body> tag, which would contain the content nodes sub-tree. If the Applicant's contention is that the content nodes are not a sub-tree, many examples can be found through out the document, for example the <body> on the top of page 24. The Office submits that inclusion with in the same XML structure is "associated." Also, the example on page 19 shows that the <fragbody> tag contains a link to the location of the content nodes. The Office submits that this too, would be "associated".

Regarding Applicant's remarks on p. 7, section V:

Though Applicant has directed remarks towards claims 2, 4, 6-9, 11-14, 16-22, 24-27, and 5, 10, and 15, the only specific remarks seem to be directed towards claim 6. Applicant suggests that decomposition of the document into a plurality of sub-trees is obvious in hindsight, and as been gleaned from Applicant's own claims. The Office disagrees. W3C teaches the motivation for decomposing the document into a plurality of sub-trees. W3C teaches that fragments are to be sent (page 5, para. 2). This implies a plurality. The fragments themselves are sub-trees as seen throughout the document, for example the <body> on the top of page 24. The Office therefore submits that the motivation for decomposing the document into a plurality of sub-trees is not impermissible hindsight and the rejection is proper.

Conclusion

11. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after

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the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Adam M Queler whose telephone number is (703) 308-5213. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather R Herndon can be reached on (703) 308-5186. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 746-7239 for regular communications and (703) 746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 306-5631.

AQ
May 30, 2003


STEPHEN S. HONG
PRIMARY EXAMINER